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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/568,222

11/16/2006

Mario Aleksic

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EXAMINER

SWARTHOUT, BRENT

ART UNIT

PAPER NUMBER

2612

MAIL DATE

DELIVERY MODE

06/16/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/568,222	Applicant(s) ALEKSIC ET AL.	
	Examiner Brent A. Swarthout	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-43 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 16-43 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11-16-06, 5-30-06, 2-14-06</u> . | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 2612

1. Claims 16-43 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims recite purely mental steps and thus do not positively recite the structure which accomplishes the method steps.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16-33 and 36-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friedrichs et al. in view of Hirano et al.

Friedrichs discloses a method for updating map information comprising entering a subset of map data to be updated at a vehicle (col. 4, lines 4-8), requesting update at a control center (col. 4, lines 13-16) and selecting requested data at the center, determining if an additional element for a consistent route is required after a first route portion is updated (abstract), selecting additional route info at a center (col. 4, lines 59-62), and transmitting selected route subsets back to a vehicle from a center (col. 4, lines 29-30), except for specifically stating that digital map data is updated.

Hirano teaches desirability of requesting digital map updating from a center at a vehicle (col. 2, lines 30-48).

It would have been obvious to update digital map info as suggested by Hirano in a system as disclosed by Friedrichs, in order that changes to map data could have been more easily and efficiently updated.

Regarding claims 18-19, Friedrichs updates routes of travel (col. 4, line 59).

Art Unit: 2612

Regarding claims 20-21, with selection of additional route segment, there would not have been a route segment where a user would have to turn around, since route segments would have been adjoining.

Regarding claims 22-23, since Friedrichs teaches that transmission of update request is sent over an air interface (col. 1, line 23), choosing to use a common radio air interface link would have been obvious to one of ordinary skill in the art, since this type of interface provides reliable communications over long range.

Regarding claims 24-25, Friedrichs teaches periodically requesting map updates for different route segments of interest (abstract).

Regarding claims 26-27, Friedrichs teaches transmitting further map data items from center to vehicle user to complete a route, which essentially restores a logic link between inconsistent link elements (abstract).

Regarding claims 28-29, since Friedrichs only teaches transmitting a portion of a second map corresponding to a particular radius or range, only a subset of map data is updated.

Regarding claims 30-31, Friedrichs identifies partitions (radius) for decomposed map sections, the map area for updating corresponding to the partitioned area within the circle's radius.

Regarding claims 32-33, Hirano teaches desirability of identifying a vehicle user at the center (col. 7, lines 13-22).

Regarding claims 36-37, Friedrichs teaches use of upper limit for size of subset equaling 1000 m (col. 4, line 12).

Regarding claims 38-39, since Friedrichs teaches that any map elements associated with other elements within a 1000 m distance of the starting point will be collected and transmitted, logically associated elements would have been transmitted in combination.

Regarding claims 40-41, inconsistency between second map portions and first map portions is permitted in the Friedrichs device, since the application is silent to the existence of any such inconsistency.

3. Claims 34-35 and 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friedrichs et al. in view of Hirano et al. and Mikuriya et al.

Friedrichs and Hirano disclose a digital map updating system as described above with regard to claim 16, except for specifically stating that version information is transmitted.

Mikuriya discloses desirability of transmitting update version information (paragraphs 140-141).

It would have been obvious to one of ordinary skill in the art to transmit update version data as suggested by Mikuriya in conjunction with a map updating system as disclosed by Friedrichs and Hirano, in order that appropriate update version could have been used.

Regarding claims 42,43, Mikuriya teaches desirability in a map updating system of having vehicle storage means and transceiver and center storage means and transceiver (pars. 81,83).

Art Unit: 2612

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Heimann, Ninagawa, Adachi and Petzold disclose map updating systems.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent A. Swarthout whose telephone number is 571-272-2979. The examiner can normally be reached on M-Th from 6:00 to 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin Lee, can be reached on 571-272-2963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Brent A Swarthout/
Primary Examiner, Art Unit 2612

Brent A Swarthout
Primary Examiner
Art Unit 2612